THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.20473 of 2005

Date:19.09.2005

N.Nagabhushanam.

--------PETITIONER

The Regional Manager and others.

---------RESPONDENTS

ORDER:

The petitioner was employed as a Conductor in A.P.S.R.T.C. On 16.10.1999, he was conducting bus on a route. The enforcement squad of Vijayawada checked the bus at stage No.3. It was alleged that on seeing the checking staff, the petitioner collected 12 tickets from the passengers who were alighting from the bus and thereafter, munched and swallowed them. Charges were framed against the petitioner alleging that he collected fare from a batch of 12 passengers and did not issue valid tickets. It was suspected that he gave re-issued tickets to the passengers and that on noticing the check, he swallowed them. After conducting the departmental enquiry, the 3rd respondent removed the petitioner from service with effect from 06.03.2000. The appeal and the review preferred by the petitioner to the 2nd and 1st respondents respectively, were rejected. Thereupon, he filed I.D.No.255 of 2000 before the Labour Court. Through its award, dated 24.11.2004, the Labour Court dismissed the I.A. Hence, this writ petition.

Sri Ananda Rao, the learned counsel for the petitioner, had urged several grounds touching on the facts and law. He contends that the Labour Court ought to have discussed the matter at length, particularly as to whether the departmental enquiry was properly conducted or not. He contends that except reiterating the grounds urged in the disciplinary proceedings, the Labour Court

did not undertake any proper discussion.

The learned Standing Counsel for the respondents, on the other hand, submits that the petitioner had virtually admitted that he did not issue tickets to the 12 passengers, who have paid Rs.4/- each and that there was grave misconduct on his part.

The allegation against the petitioner was that he collected the fare from 12 passengers at the rate of Rs.4/- and did not issue valid tickets. The record discloses that on seeing the checking staff, he collected tickets from those 12 passengers, who were alighting from the bus, and swallowed them. If really the petitioner issued tickets to the said passengers, there was no necessity for him either to collect or to swallow them. The petitioner had resorted to gross acts of misconduct. Further, he did not dispute that the collection of fare from the passengers or not issuance of valid tickets. These facts would prove that there was misconduct on the part of the petitioner.

The only objection raised by the petitioner in the departmental enquiry as well as before the Labour Court was that there was defect in the observation made by the checking officials as to the closure in respect of the tickets of Rs.4/- denomination. The petitioner admitted that he closed the S.R. at '115022'. Once he admitted that he closed the tickets of Rs.4/- denomination at '115022', his plea that he closed it wrongly cannot be accepted. The irregularity is not trivial. It related to the collection of fare from a batch of 12 passengers who paid Rs.4/- each. The Labour Court appreciated the matter from the proper perspective and this Court does not find any basis to interfere with the same.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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19.09.2005

Jsu